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Customer Number

Patent
Case No.: 59181US004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: HAEBERLEIN, INGO R.

Application No.: 10/539952 Confirmation No.: 8655

Filed: December 9, 2003

Title: DENTAL MATERIAL CONTAINING BACTERIOSTATIC AND/OR BACTERICIDAL SUBSTANCES

RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
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5 Feb. 2009

Date

Laci Yeske

Signed by: Laci Yeske

Dear Sir:

In response to the Office Action dated September 5, 2008, Applicants elect Group I, claims 17-30, drawn to a dental material. Applicants further elect the following species of Group I:

1. taurolidine is the substance whose bacteriostatic and/or bacterial efficacy is formed in the presence of intra-oral microorganisms,
2. a polymerizable component is present and comprises a polyether compound,
3. an initiator is present,
4. an accelerator is not required to be present and,
5. a retarding agent is not required to be present,

Since these claims are generally open-ended and do not preclude the presence of additional elements and/or features, Applicants submit that claims 17-30 of Group I would all read on the elected species. As noted in the Office Action, claims 17 and 30 are generic.

The restriction requirement and the requirement for election of species are traversed, and reconsideration is respectfully requested. It is felt that a search of the classes appropriate to the elected invention and species would include the Patent Office classes in which the non-elected invention and species would be searched, as each claim group requires a dental material comprising a substance whose bacteriostatic and/or bactericidal efficacy is formed in the presence of intra oral microorganisms. Accordingly, Applicants believe that it would not be an undue burden for all of the pending claims to be searched and examined together.

Applicants note that the Preliminary Amendment filed on June 27, 2005 contained a numbering error in the claims. The new claims should have been numbered starting with 17 instead of 1. It appears that the Patent Office has caught this error and re-numbered the claims accordingly. In order to clarify the record, Applicants are re-submitting an Amendment with the claims properly re-numbered starting with claim 17.

Should the Examiner determine that a telephone interview would be beneficial in resolving any of the issues in this case, the Examiner is invited to telephone the undersigned attorney at the telephone number noted below.

Respectfully submitted,

Feb. 5, 2009
Date

By:


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